

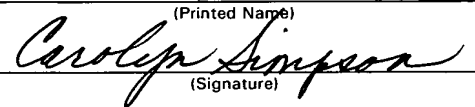


85-04-04

Atty. Dkt. No. 048674-0295

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Montague et al.
Title: MULTI-FUNCTION TOOL WITH CARTRIDGE
Appl. No.: 10/629,293
Filing Date: 07/29/2003
Examiner: Smith, James G
Art Unit: 3723

CERTIFICATE OF EXPRESS MAILING	
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 (Signature)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed April 1, 2004, Applicants hereby provisionally elect Group I, Claims 1, 2, 5, and 13, for examination, with traverse.

The Office Action states that the application contains claims directed to the following inventions:

- I. Claims 1, 2, 5 and 13, drawn to pliers, classified in class 81, subclass 300.
- II. Claims 3, 4, 8-10 and 15-17, drawn to a combination tool of a pliers with tools in one or both handles, classified in class 7, subclass 128.
- III. Claim 7, drawn to a combination tool of a pliers with a cutting insert in the head, classified in class 7, subclass 132.
- IV. Claims 6, 11, 12 and 14, drawn to a cutter, classified in class 30, subclass 194.
- V. Claims 18-20, drawn to a method of making a tool, classified in class 29, subclass 428.

Applicants respectfully traverse the restriction requirement with respect to Groups I, II, III, and IV.

Section 3 of the Office Action recites that "Inventions I, II, III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects." The Manual of Patent Examining Procedure, § 806.04 "Independent Inventions" recites examples of combinations that are not capable of use together. The examples cited by the MPEP are "an article of apparel such as a shoe, and a locomotive bearing" and "a process of painting a house and a process of boring a well."

Section 3 of the Office Action indicates that the different inventions are "a combination pliers/cutter, a combination pliers and tools on the handle(s), a pair of pliers and a pair of scissors alone." In contrast to the examples recited in the MPEP, the various inventions recited by the Examiner are specifically disclosed in the present application as capable of use together. For example, Figure 3 shows the pliers, ancillary tools, and scissors as all being attached to the same pair of handles and capable of use on a single multi-function tool. One of the primary benefits of such a multi-function tool is the ability to provide various tools that are capable of use together on a single device so that a user need not carry an entire set of separate tools. Accordingly, Applicants respectfully assert that the inventions set forth in Groups I-IV are not unrelated and therefore the restriction requirement as set forth in the Office Action does not meet the required burden set forth in the MPEP for the present circumstances.

In view of the foregoing, Applicants respectfully request that the restriction requirement be withdrawn with respect to Groups I-IV and that claims 1-18 be examined on their merits. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 5/3/04

By 

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